

## **§ 51.76**

for review available under §§ 51.81 through 51.105.

(22 U.S.C. 2658 and 3926)

[33 FR 12043, Aug. 24, 1968, as amended at 49 FR 16989, Apr. 23, 1984]

### **§ 51.76 Surrender of passport.**

The bearer of a passport which is revoked shall surrender it to the Department or its authorized representative upon demand and upon his or her refusal to do so such passport may be invalidated by notifying the bearer in writing of the invalidation.

(22 U.S.C. 2658 and 3926)

[31 FR 13540, Oct. 20, 1966, as amended at 49 FR 16989, Apr. 23, 1984]

## **Subpart F—Procedures for Review of Adverse Action**

### **§ 51.80 The applicability of §§ 51.81 through 51.89.**

(a) The provisions of §§ 51.81 through 51.89 do not apply to any action of the Secretary of State taken on an individual basis in denying, restricting, revoking or invalidating a passport or in any other way adversely affecting the ability of a person to receive or use a passport by reason of:

- (1) Noncitizenship,
- (2) Refusal under the provisions of § 51.70(a)(8),
- (3) Refusal to grant a discretionary exception under the emergency or humanitarian relief provisions of § 51.71(c), or
- (4) Refusal to grant a discretionary exception from geographical limitations of general applicability.

(b) The provisions of this subpart shall otherwise constitute the administrative remedies provided by the Department to persons who are the subjects of adverse action under §§ 51.70, 51.71 or 51.72.

[65 FR 39288, June 26, 2000]

### **§ 51.81 Time limits on hearing to review adverse action.**

A person who has been the subject of an adverse action with respect to his or her right to receive or use a passport shall be entitled, upon request made within 60 days after receipt of notice of such adverse action, to require the De-

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partment or the appropriate Foreign Service post, as the case may be, to establish the basis for its action in a proceeding before a hearing officer. If no such request is made within 60 days, the adverse action will be considered final and not subject to further administrative review. If such request is made within 60 days, the adverse action shall be automatically vacated unless such proceeding is initiated by the Department or the appropriate Foreign Service post, as the case may be, within 60 days after request, or such longer period as is requested by the person adversely affected and agreed to by the hearing officer.

(22 U.S.C. 2658 and 3926)

[31 FR 13540, Oct. 20, 1966, as amended at 49 FR 16989, Apr. 23, 1984]

### **§ 51.82 Notice of hearing.**

The person adversely affected shall receive not less than 5 business days' notice in writing of the scheduled date and place of the hearing.

### **§ 51.83 Functions of the hearing officer.**

The hearing officer shall act on all requests for review under § 51.81. He shall make findings of fact and submit recommendations to the Deputy Assistant Secretary for Passport Services in the Bureau of Consular Affairs. In making his or her findings and recommendations, the hearing officer shall not consider confidential security information unless that information is made available to the person adversely affected and is made part of the record of the hearing.

(22 U.S.C. 2658 and 3926)

[31 FR 13540, Oct. 20, 1966, as amended at 49 FR 16989, Apr. 23, 1984; 64 FR 19715, Apr. 22, 1999]

### **§ 51.84 Appearance at hearing.**

The person adversely affected may appear at the hearing in person or with his or her attorney, or by his or her attorney. The attorney must be admitted to practice in any State of the United States, the District of Columbia, or any territory or possession of the